IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12148 of 2004

Between:

K. Sanjay, S/o. Baldev,41years,Occ: Assistant Executive Engineer
On Deputation to Municipal Corporation of Hyderabad,

Hyderabad.

..... PETITIONER

AND

1. Andhra Pradesh Scheduled Caste Co-operative Finance Corporation Limited, Telugu Samkshama Bhavan , Masab Tank, Hyderabad, Rep. by its Managing Director

2 Superintending Engineer(Social Welfare) Andhra Pradesh

Scheduled Caste Co-operative Finance Corporation

Limited, Telugu Samkshama Bhavan , Masab

Tank, Hyderabad, Rep. by its Managing Director

3 The Medak District Scheduled Caste, Co-operative Society

Limited, Rep. by the Executive Director, Sangareddy, Medak

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of

Writ of MANDAMUS and hold that the further continuation of disciplinary proceedings initiated in Charge Memo No. 2491/SE(SW)E1/98 dated 4-10-1998 of the Office of the Superintending Engineer, Social Welfare, Hyderabad as unjust, illegal and unconstitutional and consequently to direct the respondents to grant promotion to the Petitioner to the post of Deputy Executive Engineer on and from the date of promotion of his immediate junior with all consequential benefits and pass such other order or orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.P.NAVEEN RAO

Counsel for the Respondents.: MR.M.V.S.SURESH KUMAR

The Court at the stage of admission made the following :

ORAL ORDER

The petitioner is working as an Assistant Engineer in the respondent-Corporation. An inquiry was ordered against the petitioner on 04-10-1999 alleging that the petitioner neglected in discharging his duties during the execution of the work of a hostel building, that there were structural defects in the construction work of a hostel building, that the work of brick masonary was a sub-standard one, that the slab laid over the hostel building was defective and that the structural concrete do not have adequate strength etc.,

The contention of the petitioner is that except serving a charge memo and taking the explanation from the petitioner, no further progress has been made during the last five years and on the ground that an inquiry is pending against the petitioner, he is being not considered for promotion as Deputy Executive Engineer. Therefore, he approached this Court seeking an order in the nature of writ of Mandamus to hold that the further continuation of the disciplinary proceedings as illegal, unjust and unconstitutional and consequently to direct the respondents to grant promotion to the post of Deputy Executive Engineer.

The charges levelled against the petitioner are grave, but, it is not known as to why the disciplinary authority did not take further steps to expedite the enquiry and to pass final order. The concerned authority is, therefore, directed to take necessary

steps to complete the enquiry within a period of four (4) months from the date of receipt of a copy of this Order. This period is not applicable if the delay is caused at the instance of the petitioner. Despite the cooperation of the petitioner, if the inquiry could not be completed within a period of four(4) months, the respondents are directed to consider the case of the petitioner for promotion by recording the reasons as to why the enquiry could not be completed with in a period of four months. The petitioner is at liberty to raise all the pleas that are available to him according to law before the concerned authority.

The writ petition is accordingly disposed of. No order as to costs.

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16th AUGUST 2004

*TSNR

TO

1 . Andhra Pradesh Scheduled Caste Co-operative Finance Corporation Limited, Telugu Samkshama Bhavan , Masab Tank, Hyderabad, Rep. by its Managing Director

2 . Superintending Engineer(Social Welfare) Andhra Pradesh Scheduled Caste Co-operative Finance Corporation Limited, Telugu Samkshama Bhavan , Masab Tank, Hyderabad, Rep.

by its Managing Director
3 . The Medak District Scheduled Caste, Co-operative Society

Limited, Rep. by the Executive Director, Sangareddy,

Medak District.

4. Two C.D.Copies